

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

**JOHN MORGAN and  
MONA MORGAN,**

**Plaintiffs,**

**v.**

**UNITRIN AUTO AND HOME  
INSURANCE COMPANY d/b/a  
KEMPER PREFERRED INSURANCE  
COMPANY,**

**Defendant.**

**Docket No. \_\_\_\_\_**

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that Defendant, Unitrin Auto and Home Insurance Company (incorrectly named as Unitrin Auto and Home Insurance Company d/b/a Kemper Preferred Insurance Company in the Complaint) removes this case to the United States District Court for the Middle District of Tennessee, Nashville Division, pursuant to 28 U.S.C. §1441 and §1446. The grounds for the removal are as follows:

1. Plaintiff filed the above-styled action on December 16, 2013, against Unitrin Auto and Home Insurance Company d/b/a Kemper Preferred Insurance Company in the Circuit Court of Rutherford County, Tennessee. The suit is styled: *John Morgan and Mona Morgan v. Unitrin Auto and Home Insurance Company d/b/a Kemper Preferred Insurance Company*, docket number 67740. A true and correct copy of the pleading is attached hereto as Exhibit A. Said identification of Defendant is not correct.
2. The suit was served on this Defendant on January 27, 2014.

3. Other than the filing of the Complaint, no proceedings have taken place in this matter. Unitrin Auto and Home Insurance Company removes this action to the United States District Court for the Middle District of Tennessee, Nashville Division pursuant to the provisions of 28 U.S.C. §1441 on the grounds that this Court has jurisdiction pursuant to 28 U.S.C. § 1332.

4. Plaintiffs, John Morgan and Mona Morgan allege in the Complaint that they are residents of Rutherford County, Tennessee.

5. Unitrin Auto Home Insurance Company is a New York corporation with a principal place of business in Florida. It is authorized to and does engage as an insurance company within the State of Tennessee.

6. This dispute is between persons of different States and the amount in dispute between the parties is in excess of \$75,000.00, exclusive of costs and interest; therefore, it meets the jurisdictional requirements of this Court pursuant to the provisions of 28 U.S.C. § 1332(a).

7. Venue is correct herein because Plaintiff's action is pending in Rutherford County, Tennessee.

8. Counsel for this Defendant has served on Counsel for Plaintiff a Notice of Removal. Copies of the Notice of Removal and Petition for Removal have been filed in Rutherford County Circuit Court by this Defendant within 30 days of service of the Complaint on Defendant.

**WHEREFORE**, please take notice that Defendant, Unitrin Auto Home Insurance Company (incorrectly identified in the Complaint) removes the State action styled *John Morgan and Mona Morgan v. Unitrin Auto Home Insurance Company d/b/a Kemper Preferred Insurance*

Company, docket number 67740, from the Circuit Court of Rutherford County, Tennessee, where it is now pending, to the United States District Court for the Middle District of Tennessee on this the \_\_\_\_ day of January, 2014.

Respectfully submitted,

**SPICER RUDSTROM, PLLC**



Marc O. Dedman, BPR #14044

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been sent via United States mail, postage prepaid, and properly addressed to:

Thompson Trial Group, P.A.  
Thomas W. Thompson, Esq.  
4725 North Lois Avenue  
Tampa, Florida 33614-7046

this 18<sup>th</sup> day of Feb-18, 2014.



Marc O. Dedman